

# Exhibit 7



SCHOOL OF LAW

CASE WESTERN RESERVE  
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Mr. James Hodge  
Chief, Bureau of Regulatory Operations  
Ohio Department of Health  
246 North High Street  
Columbus, OH 43215

VIA EMAIL

Re: Women's Med Dayton  
Request for Variance to the Hospital Transfer Agreement Requirement

Dear Mr. Hodge:

I represent Women's Med Group Professional Corporation (WMGPC) and Women's Med Dayton (WMD).

I write to request a variance to O.R.C. § 3702.303, which requires ASFs have a written transfer agreement (WTA) with a local hospital. A variance is necessary because WMD, a facility that provides surgical abortions, has requested a written transfer agreement with all of the local hospitals, but none has agreed to provide a WTA. Please consider this variance application in support of WMD's pending license renewal application.

For the following reasons, WMD meets the requirements for a variance from the WTA requirement set forth in O.R.C. § 3702.304(B):

1. Application of the WTA requirement to WMD would cause it undue hardship, because as noted above, WMD has been unable to obtain a WTA from any local hospital. If the WTA requirement were applied to WMD, it would therefore be unable to continue operating, resulting in closure of the business and loss of its and its owner's constitutionally protected property rights. As explained in more detail below, WMD's alternative to a written transfer agreement provides patients with the same or higher level of safety and protection as a written transfer agreement would provide.

WMD has contracted with Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle to provide backup physician services (Attachment 1). WMD also has a contract with Wright State Physicians Women's Health Care (WSPWHC) to provide backup coverage. (Attachment 2). The four backup physicians have full, unrestricted, and active admitting privileges at Miami Valley Hospital (MVH) and have agreed to exercise those privileges to provide for the continuity of care and the timely, unimpeded acceptance and admission of WMD's emergency patients.

Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle are credentialed with active admitting privileges in Obstetrics and Gynecology without restrictions at Miami Valley Hospital and will arrange patient admission and care for each patient needing medical services according to each patient's need. (Attachment 3).

WMD also has a written policy ensuring coverage by the backup physicians who can admit patients to a hospital in the event that a patient experiences a surgical complication, an emergency, or other medical need and needs to be transferred from WMD to the hospital. (Attachment 4).

2. The contracts between WMD and its four backup physicians who have admitting privileges at MVH, memorializing their agreement to provide backup coverage when medical care beyond the level the facility can provide is necessary, are attached. (Attachment 1).

3a. Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle are familiar with WMD and its operations and its policy. Each backup physician contract verifies this. (Attachment 1).

3b. All four physicians' primary practice location is Five Rivers Center for Women's Health, which is on the Miami Valley Hospital campus. It is about a 5-minute walk to the hospital. They have a secondary practice location in the Sugar Camp Medical Building, 400 Sugar Camp Circle, which is 1.6 miles or about a 5-minute drive to MVH. The distance from WMD to MVH is 5.8 miles, or approximately a 14-minute drive. (Attachment 5).

3c. WMD has a record of the name, telephone numbers, and practice specialties of each backup physician. (Attachment 4).

3d. Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle currently have active status with the Ohio State Medical Board and possess current medical licenses. None of the four backup physicians has had any action taken against them by the Ohio State Medical Board for violations of R.C. § 4731.22, according to their agreement with the facility. Nor does any physician have a pending action or a complaint under review by the Ohio State Medical Board for violations of R.C. § 4731.22, according to their agreement with the facility. (Attachment 6).

3e. All backup physicians are credentialed with admitting privileges in Gynecology or General Surgery without restrictions at Miami Valley Hospital. All backup physicians have

notified MVH that they are consulting for WMD and that they have agreed to provide backup services. (Attachment 7).

4a. WMD's patient hospital transfer protocol (Attachment 4) and backup physician credentialing protocol (Attachment 8), which ensure continuity of care for any patient who may need to be transferred to a hospital, are attached. The facility's written policy explains how the attending physician will use the backup physicians to admit patients to a local hospital in an emergency, complication, or other medical need. The policy includes a plan which ensures that a substitute doctor is available to admit patients to local hospitals in the event the four named backup physicians are temporarily unavailable and unable to admit patients to local hospitals. Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle affirm that they have access to and will use MVH's on-call consulting/referral physicians outside WSPWHC's area of specialty/expertise, if necessary. (Attachment 1).

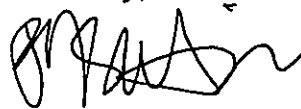
4b. Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle agreed in their contracts to immediately inform WMD of any circumstances that may impact their ability to provide for continuity of care and the timely, unimpeded acceptance and admission of the WMD's emergency patients. (Attachment 1). Drs. Barhan, Dhanraj, Duke, and Reisinger-Kindle agree they have access to and will use MVH's on-call consulting/referral physicians outside WSPWHC's area of specialty/expertise, if necessary. (Attachment 1).

4c. WMD's written protocol ensures that a copy of the patient's medical record is transmitted contemporaneously with the patient to hospital. (Attachment 4)

This variance request is a good faith attempt to comply with Ohio law. WMD has not been informed by ODH of any additional rules or regulations that apply to a variance request. If ODH implements any additional rules, WMD requests ODH to notify WMD.

If you need any additional information or have any questions, please contact me at the address and phone number above, or by email to [bjhill@case.edu](mailto:bjhill@case.edu).

Sincerely,



B. Jessie Hill

cc: Heather Coglianese

Encls. Attachment 1 Backup physician agreements  
Attachment 2 WSPWHC agreement

Attachment 3 Privilege lists

Attachment 4 WMD Backup Physician and Hospital Transfer protocol dated 4/2020

Attachment 5 Maps

Attachment 6 Verifications of license status with the Ohio Medical Board

Attachment 7 Notifications

Attachment 8 WMD Backup Physician credentialing protocol dated 8/26/19